

IV. REMARKS

1. Claims 1, 8 and 9 are amended. Claims 13-16 are new.
2. Formal drawings were submitted with the After Final amendment mailed December 16, 2002.
3. Applicant has corrected the language of claims 1, 8 and 9 to clarify this feature of the invention. It is the downlink block that contains the information and the information concerns downlink transmission power used by the base station to transmit the same block or subsequent blocks.
4. Applicant respectfully submits that claims 1-3 and 6-12 are not unpatentable over Honkasalo in view of Grubeck under 35 U.S.C. §103(a). Applicant reiterates and incorporates by reference in their entirety the arguments previously made against these rejections in the prior responses. The prior responses should be considered together with what is written below.

Applicant submits that there seems to be a fundamental error in the argumentation of the Examiner (page 2 of the Advisory Action mailed January 17, 2003). The Examiner writes that the Honkasalo reference "states that the bursts have the quality level or other information ATTACHED to them." (Emphasis Added) This is not correct because the bursts are received by the base station which makes measurements on the transmission signal of the terminal and CALCULATES the quality level based on the reception characteristics. The burst in itself does not contain quality information that is used as such by the base station or further attached to the downlink burst for returning it back to the terminal. The Honkasalo reference mentions ATTACHING the

information on the quality level of the uplink bursts to the downlink control messages (column 8, lines 11-13), but this information is not contained in the uplink bursts because it is calculated and generated AFTERWARDS by the base station based on the reception (see column 7, line 61, - column 8, line 9). The quality level is based on the uplink bursts sent EARLIER by the TERMINAL. Thus, there is a clear difference between Honkasalo and Applicant's invention, in which base station transmission power information is attached to the downlink blocks being sent AT THE SAME MOMENT OR LATER ON.

As previously noted, Grubeck does not overcome the deficiencies of Honkasalo, and at least for this reason, the combination of Honkasalo and Grubeck does not disclose or suggest Applicant's invention. Thus, claims 1-3 and 6-12 should be allowable.

5. Claim 4 is not unpatentable over Honkasalo in view of Hamalainen et al. ("Hamalainen") under 35 U.S.C. §103(a).

As noted above, in Honkasalo, the bursts do not have quality level or other information attached to them. In Applicant's invention a block includes information on the transmission power level of that block or a subsequent block. Hamalainen does not overcome this deficiency and thus the combination cannot as well. Therefore, claim 4 should be allowable.

6. Claim 5 is not unpatentable over Honkasalo and Hamalainen and further in view of Turina under 35 U.S.C. §103(a).

Claim 5 depends from claims 1 and 4, which as noted above, are not disclosed or suggested by Honkasalo and Hamalainen. Turina

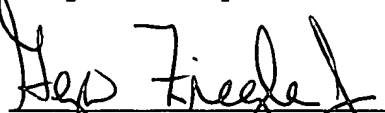
does not overcome the deficiencies of Honkasalo and Hamalainen and thus the combination cannot as well. Thus, claim 5 should be allowable.

In Applicant's invention, the transmission power information is used to adjust the terminal RECEIVER parameters. This is not disclosed suggested by either Honkasalo in view of Grubeck. In Honkasalo, quality level information is used to command the terminal to possible TRANSMIT using a different transmission power. (See col. 8, lines 20-24). New claims 14-16 have been added to highlight this feature.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$750.00 is enclosed for the RCE filing fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

20 May 2003
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800 Ext. 134
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, MAIL STOP RCE, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 5/20/03

Signature: D. Boland
Person Making Deposit